

<p style="text-align: center;">TABLE OF CONTENTS ARTICLE VI DENSITY AND DIMENSIONAL REQUIREMENTS</p>
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ARTICLE VI DENSITY AND DIMENSIONAL REQUIREMENTS

6.01 General Zoning Districts

A. Density and Dimensional Requirements

The density and dimensional requirements for all general zoning districts are found in [Table 6-1, Table of Density and Dimensional Requirements](#).

B. Cluster Development

1. Cluster Development Objectives: The objective of the cluster option is to place the houses in a residential development closer together and on smaller lots than would normally be permitted by the zoning district in which the development is located, and to place land which would otherwise have been included in private lots into public dedication or common area. The total number of lots permissible within a cluster development shall not exceed the maximum number of lots allowed if the tract were subdivided into the size of lots required by [Table 6-1](#) for the zoning district in which the proposed development is located.
2. Development Standards:
 - (a) Cluster development may be used in any zoning district which permits single-family uses if the tract to be developed is ten acres or larger in area.
 - (b) Cluster developments must be served by a public water system.
 - (c) Lots within a cluster development shall be allowed a reduction in the standard minimum lot area, minimum lot width, and minimum principal building setback requirements for the zoning district in which located based upon the total amount of common open space as indicated in the following table:

% of Total Tract Set Aside as Common Open Space	Permissible Reduction
15-19%	10%
20-29%	20%
30% or more	30%

- (d) The minimum open space required is 15% of the total area of the development tract. Common open space shall comply with the requirements of [Section 16.10](#).

Table 6-1 Table of Density and Dimensional Requirements

Requirement	Zoning Districts										
	R5	R15	R25	RMH25	R40	A1	B1	B2	B3	I1	I2
Minimum Lot Area (sq. ft.)											
Single-family dwelling	5,000	15,000	25,000	25,000	40,000	40,000	5,000	5,000	5,000	N/A	N/A
Two-family dwelling	9,100	N/A	32,500	32,500	N/A	N/A	9,100	9,100	9,100	N/A	N/A
Multifamily dwelling											
1 st dwelling unit	5,000	N/A	N/A	N/A	N/A	N/A	5,000	5,000	5,000	N/A	N/A
2 nd dwelling unit	4,100	N/A	N/A	N/A	N/A	N/A	4,100	4,100	4,100	N/A	N/A
Each add'l dwelling unit	4,100	N/A	N/A	N/A	N/A	N/A	4,100	4,100	4,100	N/A	N/A
Other permissible uses	5,000	15,000	25,000	25,000	40,000	40,000	a	a	a	a	a
Maximum dwellings per acre	10.4 du/ac	2.9 du/ac	1.7 du/ac	1.7 du/ac	1.0 du/ac	1.0 du/ac	10.4 du/ac	10.4 du/ac	10.4 du/ac	N/A	N/A
Minimum Lot Width (ft.)											
Traditional lot	50	75	100	100	100	100	75	75	75	100	100
Cul-de-sac bulb lot	40	40	40	40	40	40	40	40	40	40	40
Corner lot	60	85	110	110	110	110	85	85	85	110	110
Flag lot at the public street	20	20	20	20	20	20	20	20	20	20	20
Principal Bldg. Setback (ft.)											
Road (from ROW) b											
US or NC Highway	50	50	50	50	50	50	50	50	50	50	50
All other public roads	20	25	25	25	25	25	25	25	25	25	25
Side property line	8	12	15	15	15	15	10	10	10	10	10
Rear property line	20	30	40	40	40	15	10	10	10	10	10
Accessory Bldg. Setback (ft.)											
Road right-of-way b	40	40	40	40	40	40	40	40	40	40	40
Property line	10	5	5	5	10	10	10	10	10	10	10
Building Height (ft.)	35	35	35	35	35	35	c	c	35	c	c

N/A Not applicable. du/ac Dwelling units per gross acre.

- a As needed to comply with applicable setback, parking, and screening requirements ([Article 10](#)) plus the minimum lot area determined by the Environmental Health Services Division of the Albemarle Regional Health Department to be necessary for an on-site septic system, if applicable.
- b Corner lots shall be required to provide a road setback along all similarly classified side roads. Double frontage lots shall provide the applicable road setback along both road frontages.
- c No maximum building height. However, all building setbacks shall increase one foot for every foot in height between 50 feet and 80 feet. No additional setback is required for buildings greater than 80 feet in height.

Notes:

- Permitted residential uses in nonresidential districts shall comply with the density and dimensional requirements outlined in [Table 6-1](#).
- Setback distances shall be measured from the road right-of-way line or property line to a point on the lot that is the nearest extension of any part of the building that is substantially a part of the building itself and not a mere appendage to it nor a building part allowed to encroach into a setback ([see Section 6.03 C](#)).
- Whenever a greater building setback is required by the NC Building Code, such greater setback shall be provided.
- See [Section 6.03 F](#) for calculating setback distance from private roads and for situations where no road private road right-of-way or easement exists.
- See Section 12.04 D for setbacks on nonconforming lots.

- (e) Homeowners or property owners associations responsible for the maintenance and control of common areas shall be established pursuant to Article VII, [Section 6.0 of the Chowan County Subdivision Ordinance](#).
- (f) Common areas shall be located within the development to:
 - (i) Preserve stands of trees, natural vegetation, flood hazard areas, steep slopes, water bodies, historic sites or other significant features;
 - (ii) Provide common green space in the development for aesthetic purposes and pedestrian use;
 - (iii) Provide space for common recreation facilities and meeting places; or
 - (iv) Provide buffering from adjacent land uses of higher intensity.
- (g) Common area for open space shall be of usable dimensions and shall be accessible to all property owners in the development.
- (h) Any open space areas proposed for public dedication shall follow the applicable procedural requirements established by Chowan County.

C. Zero Side Setback

1. Zero Side Setback Option: Zero side setback development may be used in any zoning district which permits single-family uses if the development contains ten or more contiguous lots and is served by public sanitary sewer. Zero side setbacks and proposed building locations must be delineated on the approved subdivision plat.
2. Development Standards:
 - (a) Setbacks of zero feet are permitted only where the lots on both of the affected lot lines are part of a zero side setback development.
 - (b) A wall and roof maintenance easement (five feet along one-story walls, ten feet along two-story walls) shall be provided on the opposite side of the zero setback lot line.
 - (c) Whenever one side setback is zero, the minimum setback on the opposite side of the same lot shall be twice the minimum side setback required by this Ordinance for the zoning district in which the development is located.

- D. No lot created after the effective date of this Ordinance that is less than the lot width required in Table 6-1 shall be entitled to a variance from any building setback requirement.
- E. Whenever a greater building setback is required by the NC Building Code, such greater setback shall be applicable.

6.02 Accessory Uses, Buildings and Structures

The following requirements are for customary accessory buildings and structures. Other accessory buildings and structures containing specific accessory uses listed in [Table 5-1, Table of Permitted Uses](#) may have additional development requirements found in [Article VIII, Development Standards for Individual Uses](#).

A. Setback Requirements

- 1. Road: No encroachment in the road setback is permitted.
- 2. Side and Rear: If the gross floor area (GFA) of the accessory structure or building is less than six hundred square feet, the structure or building may be located from a side or rear line as delineated in Table 6-1 for accessory building setbacks. If the GFA of the accessory structure is six hundred square feet or greater, it must meet the setback requirements of the principal building(s) as outlined in Table 6-1.
- 3. The setback requirements in subsection 2 are not applicable to water-dependent structures such as piers, docks, and boathouses.

B. Location

- 1. Accessory structures and buildings may be in front of the principal structure but in no case may they encroach in the road building setback.
- 2. No accessory structure or building except utility substations shall be erected in any easements.

C. Maximum Height

The height of all accessory structures and buildings shall comply with maximum height requirements of the zoning district in which located. However, all accessory building setbacks shall increase one foot for every foot in height over 15 feet.

D. Accessory Use Area

The area set aside for a home occupation shall occupy no more than 25 percent of the floor area of the residential dwelling unit whether within the residential structure or in an accessory building. Any other nonresidential accessory use in a residential zoning district shall not exceed twenty-five

percent of any of the following measures: building volume, floor area, land area, or any other appropriate measure of usage.

E. Agricultural Use Accessory Buildings and Structures

Buildings and structures that are accessory to an agricultural use may be located on noncontiguous tracts or parcels that are in the same ownership or under the same control as the agricultural use.

F. Prohibition of Manufactured Home as an Accessory Storage Building

In no case shall a manufactured home be used as an accessory building for storage purposes or any other use other than a dwelling unit.

G. Fences and Walls

Fences and walls shall not be located within a public street right-of-way nor placed or retained in such a manner as to obstruct vision at any intersection with public or private roads. Nothing in this subsection shall preclude, however, the installation of temporary fences around construction works, erected or maintained pursuant to the NC Building Code or soil erosion and sedimentation control requirements. No fence shall be located within a utility easement without review and approval by the utility provider.

6.03 Supplementary Dimensional Requirements

A. Structures Permitted Above Height Limits

Except as otherwise prohibited by this Ordinance, the height limitations of this Ordinance shall not apply to public buildings, church spires, belfries, cupolas and domes not intended for residential purposes, or to monuments, water towers, observation towers, power transmission towers, silos, grain elevators, chimneys, smokestacks, derricks, conveyors, flag poles, radio, television and communication towers, masts, aerals and similar structures, provided such structures meet the required NC Building Code.

B. Prevailing Road Setback

Where fifty percent or more of the lots in a recorded subdivision on the same side of the road as the lot in question are developed with less than the required road setbacks, the average setback of the two principal buildings nearest that lot shall be observed as the required minimum setback.

C. Encroachments into Required Setbacks

1. Encroachments Permitted in Required Setback: The following are permitted in required setbacks provided there is no interference with any sight area:

- (a) Landscaping features, including but not limited to, ornamental pools, planting boxes, sculpture, arbors, trellises, and birdbaths;
 - (b) At grade patios, play equipment or outdoor furniture, ornamental entry columns and gates, flag poles, lamp posts, address posts, HVAC equipment, mailboxes, outdoor fire places, public utility wires and poles, pumps or wells, fences or retaining walls, and in-ground swimming pools;
 - (c) Handicapped ramps.
2. Structures Permitted in Required Setbacks: The following structures may encroach into any required setback:
- (a) Cornices, steps, overhanging eaves and gutters, window sills, bay windows or similar architectural features, chimneys and fireplaces, fire escapes, fire balconies, and fire towers may project not more than two and one-half feet into any required setback, but in no case shall be closer than three feet to any property line; and
 - (b) Porches and decks may encroach into the required road and rear setbacks as follows:

Porch or Deck Type	Setback	Maximum Encroachment	Maximum Area
Covered or Uncovered	Road	3 feet	35 sq. feet
Uncovered Only	Rear	50% of setback	n/a

3. Canopy Projections: Gas station and convenience store pump island canopies may be located in the road setback provided that no equipment or part of a canopy is located closer than twelve feet to a road right-of-way line.

D. Easement and Right-of-Way Encroachments

- 1. Utility Easements: In addition to the lines, boxes, structures, and substation buildings for which utility easements are intended, fences without foundations may be located within utility easements.
- 2. Drainage Maintenance and Utility Easements: Water-related improvements, such as boat docks, may be placed or constructed within drainage maintenance and utility easements with the approval of the utility provider having jurisdiction over the easement.
- 3. Public Street Rights-of-Way: No structure or landscape plantings may be placed within a public road right-of-way without the express written approval of the NCDOT.

E. Setbacks from Thoroughfares

Where proposed road alignments have been established, in accordance with an adopted Thoroughfare Plan, building setbacks shall be measured from the future right-of-way line of the proposed road.

F. Setbacks from Private Roads

Building setbacks from approved private roads shall be the same distance as specified in [Table 6-1, Table of Density and Dimensional Requirements](#) but shall be measured from the private road right-of-way, private road easement, or the boundary line of the common area reserved for the private road. In situations where no right-of-way or easement exists, the setback from the road shall be calculated by adding 30 feet to the applicable road setback required in [Table 6-1](#).

G. Setbacks on Flag Lots

The 'flagpole' portion of a flag lot shall not be used to calculate building setbacks. Flag lots shall comply with the standards of [Article VI, Section 1.0 of the Chowan County Subdivision Ordinance](#).

H. Visibility at Intersections

No building, structure, wall, fence, shrub or tree shall be erected, maintained, or planted on any lot which will allow an obstruction in the horizontal or vertical sight distance area as defined in [Article XV, Definitions and Word Interpretations](#).

6.04 General Lot Requirements

A. Principal Buildings per Lot

Every building hereafter erected or moved shall be located on a buildable lot and in no case shall there be more than one principal building and its accessory buildings on a buildable lot except as provided below.

1. Nonresidential Group Development: Two or more principal nonresidential buildings are permitted on a lot pursuant to a site plan approved by the applicable permit-issuing authority, provided that an access driveway is maintained to each building in passable condition for service and emergency vehicles. Buildings must be separated at least twenty feet apart. Shopping center developments shall comply with the requirements of [Section 8.84](#).
2. Residential Group Development: Two or more principal buildings are permitted in a multi-family development pursuant to a site plan approved by the applicable permit-issuing authority, provided that an access driveway is maintained to each building in passable condition for service and emergency vehicles. Buildings must be

separated at least twenty feet apart. Multi-family developments shall comply with the requirements of [Section 8.61](#).

3. **Manufactured Home Park:** Two or more principal buildings are permitted in a manufactured home park pursuant to a site plan approved in accordance with the provisions of [Section 8.53](#).
4. **Two or More Single-family Dwellings on a Single Tract:** Two or more principal single-family residences are permitted on a single, unsubdivided tract pursuant to a site plan approved by the Zoning Administrator, provided that the tract contains sufficient lot area, lot width, and building setbacks for each dwelling. Location of the dwellings on the single tract shall be such that, in the event that the tract is subdivided, each dwelling unit will be situated on a freestanding lot that meets all of the dimensional requirements for the district in which located.

B. Road Access Requirements

1. **Access to Public or Private Road Required:** No building or structure shall be constructed, erected, or placed on a lot that does not abut or have direct legal access to a publicly maintained road or to an approved private road, except as provided in this Section.
2. **Single-Family Detached Cluster Development:** Private roads, approved in accordance with the requirements of the [Article VI, Section 1.0 of the Chowan County Subdivision Ordinance](#), may be used to meet access requirements for lots in single-family detached cluster developments and for single-family lots in planned unit developments, provided the development as a whole abuts and has direct access to a publicly maintained road.
3. **Townhouse, Condominium, and Planned Unit Developments:** Individual parcels shall have right of access through common areas containing private roads and/or private drives at least twenty-four feet in width leading to a publicly maintained road. Individual parcels may have direct access to a publicly maintained road with Zoning Administrator approval.
4. **Manufactured Home Park:** Manufactured home park lots or spaces developed in accordance with [Section 8.53](#).
5. **Nonresidential Group Development:** Individual parcels, whether leased or sold, in a group development shall have shared rights of access along private roads and/or along private drives at least twenty-four feet in width leading to a publicly maintained road. Maintenance of all private roads and private drives shall be a mandatory responsibility, running with the land, exercised by a single entity which shall be composed of one landowner, an Owners' Association, or all owners acting collectively pursuant to a binding agreement.

6. Exceptions: Special purpose lots may provide access via an easement in accordance with the provisions of [Section 6.06, Special Purpose Lots](#).
7. Access Easements: Lots may be afforded access via an access easement approved in accordance with the requirements of [Article VI, Section 1.0, \(e\) of the Chowan County Subdivision Ordinance](#).

C. Group Development

1. Parking and Landscaping: A nonresidential group development shall be treated as a single lot for purposes of providing required off-road parking and required planting yards, even if outparcels for sale are included within the development.
 - (a) If the entire development meets the total off-road parking requirement, it is not required that each parcel provide all the required parking for the use thereon.
 - (b) If required buffer yards are provided along the development perimeter, including road frontages, and requirements for parking lot planting are met, buffer yards are not required along property lines and lease lines between two parcels within the group development.
2. Plat and Notice Requirements: If the owner of a development elects to organize it in as a group development, a subdivision plat shall be recorded displaying a prominent note identifying it as such and explaining that the property must be developed with common driveways and off-road parking and be subject to a common signage plan and a common landscaping plan. The note shall further state that should the property cease function as a group development, the property will then be in violation of this Ordinance and shall be retrofitted with conventional parking and landscaping, even if doing so requires the removal of previously installed improvements.

D. Water and Sewage Disposal Requirements

Every structure intended for human occupancy shall be served by a water supply system and a sewage disposal system that (i) is adequate to accommodate the reasonable needs of the proposed use of the lot and (ii) complies with all applicable health regulations.

6.05 Lot Size Reduction Prohibitions

A. Single Lot

No lot shall be reduced in size so that noncompliance with respect to any frontage, building coverage, area, built-upon area, width, setback,

parking, buffer yard, or signage requirement of this Ordinance is created, nor shall any existing nonconformity or violation be increased.

B. Buildable Lot

Where two or more contiguous lots in one ownership collectively form a buildable lot, that lot shall not be reduced in size so that noncompliance with respect to any frontage, building coverage, area, built-upon area, width, setback, parking, buffer yard, or signage requirement of this Ordinance is created, nor shall any existing nonconformity or violation be increased. An Instrument of Combination (or similar document or procedure) shall be prepared and recorded where two or more contiguous lots in one ownership collectively form a buildable lot.

C. Exemption

These prohibitions shall not apply to county, municipal or state acquisition of land.

6.06 Special Purpose Lots

Requirements of this Ordinance with respect to road frontage, minimum lot area, and minimum lot dimensions shall not apply to lots for family or church cemeteries, sewer lift stations, and similar utility uses. Such lots shall comply with the requirements below.

A. Minimum Size

The special purpose lot shall be permitted only after the Zoning Administrator has determined that the proposed lot has sufficient dimensions to accommodate the intended use and, where required by this Ordinance, buffer yards.

B. Access Easement

If the special purpose lot does not have direct access to a public road, an easement for ingress and egress with a minimum width of ten feet shall be platted and recorded. The subdivision to create the lot shall be approved in accordance with the procedures of [Article IV of the Chowan County Subdivision Ordinance](#).

6.07 Planned Unit Development

A planned unit development is an area of land under unified ownership or control to be developed and improved as a whole under a unified development plan in accordance with the requirements of this Section. The planned unit development regulations are designed to provide flexibility, consistent with the public health and safety and without increasing overall density, to the developer who subdivides property and constructs buildings on the lots created in accordance with a unified and coherent plan of development.

A. Relationship to Other Applicable Regulations

A planned unit development shall be subject to all of the applicable standards, procedures and regulations of this Ordinance except as varied or changed by the express terms of this [Section](#) and [Section 8.67](#).

B. Dimensional Requirements

The minimum lot area requirements for individual lots may be reduced, but in no case may an individual lot area be reduced such that it is less than 75 percent of the minimum lot size delineated in [Table 6-1, Table of Density and Dimensional Requirements](#) for the underlying zoning district in which the planned unit development is located. For planned unit developments in nonresidential zoning districts, minimum lot sizes for residential uses shall not be reduced to less 30 percent of the minimum lot size delineated in [Table 6-1](#). Each lot created within a planned unit development shall be of sufficient size and dimensions that it can support the structure proposed to be located on it, consistent with all other applicable requirements of this Ordinance.

The overall residential density of a PUD shall not exceed that normally permitted in the underlying zoning district. Building setback requirements are waived except that lots and structures within 150 feet of the perimeter of the planned unit development shall be in harmony with development on adjacent lands. No commercial use shall be permitted within 150 feet of the perimeter of the planned unit development unless the same or a similar use exists adjacent to the perimeter at the time of approval of the planned unit development.

C. Review and Approval Procedures

The procedure for approval of a planned unit development shall combine the special use permit review process and the subdivision plat review process. A master site plan for the entire development shall be prepared and submitted along with a preliminary plat of those portions of the PUD which will be subdivided. Submission and review procedures for special use permit requests are described in [Section 3.0](#). Specific development standards for a PUD are delineated in [Section 8.67](#). A final approved subdivision plat is required prior to the issuance of a certificate of zoning compliance.

6.08 Townhouse and Condominium Development

Townhouse and condominium developments shall comply with the density and dimensional requirements of [Section 8.97](#).

6.09 Traditional Neighborhood Development

A Traditional Neighborhood Development (TND) is a land development technique that encourages mixed-use, pedestrian-oriented communities

and promotes the diversification and integration of land uses. A TND is a human scale, walkable community composed of a variety of housing types and densities and a mixed use core of shopping, offices, public, and civic uses.

A. General Design Principles

TNDs shall adhere to the following general principles and design standards:

1. Neighborhoods have clearly delineated centers and edges and are limited in size to promote pedestrian activity.
2. The distance from the center to the edge of a neighborhood is generally no greater than $\frac{1}{4}$ to $\frac{1}{2}$ mile.
3. TNDs provide a balanced mix of residential, retail, professional and personal service, office, civic, public, and recreational uses.
4. Residential uses include a diversity of housing types.
5. Street patterns are interconnected and blocks are short.
6. TNDs are organized around an activity center consisting of shopping, offices, public, and civic uses.
7. Public and civic uses, such as schools, libraries, government offices, parks and recreational facilities, plazas, and village greens are prominent features and focal points.
8. Formal and informal open space is located throughout a TND

A. Specific Design Principles

A traditional neighborhood development shall be subject to all of the applicable standards, procedures and regulations of this Ordinance except as varied or changed by the express terms of this Section and [Section 8.98](#).

B. Dimensional Requirements

To promote flexibility and creativity, dimensional standards shall be established in accordance with the TND purpose and design principles. The determination of appropriate building setbacks, lot coverage, building heights for proposed uses will be made during the special use permit review process.

Each lot created within a TND shall be of sufficient size and dimensions that it can support the structure proposed to be located on it, consistent with all other applicable requirements of this Ordinance.

C. Permissible Residential Densities

The permitted density of the residential component of a TND shall be determined during the special use permit review process but in no case shall exceed the maximum density delineated in the following table:

Zoning District	Maximum DU/Gross Residential Acre
R5	15
R15	12
R25	6
RMH25	6
R40	4
A1	4
B1	15
B2	15
B3	15

Factors taken into consideration in determining the permissible density of a specific TND shall include the anticipated vehicular traffic, infrastructure, and environmental impacts of the proposed TND.

D. Permissible Land Uses

The permissible types and mix of land uses within a TND are delineated in [Section 8.98](#).

E. Review and Approval Procedures

The procedure for approval of a TND shall combine the special use permit review process and the subdivision plat review process. A master site plan for the entire development shall be prepared and submitted along with a preliminary plat of those portions of the TND which will be subdivided. Submission and review procedures for special use permit requests are described in [Section 3.0](#). Specific development standards for a TND are delineated in [Section 8.98](#). A final approved subdivision plat is required prior to the issuance of a certificate of zoning compliance.